

Introduced by Senator O'Connell

February 8, 2002

An act to amend ~~Section 2530.2~~ *Sections 2530.2, 2530.5, 2532.2, 2532.7, 2532.8, and 2538.1* of the Business and Professions Code, relating to ~~the~~ speech-language pathologists.

LEGISLATIVE COUNSEL'S DIGEST

SB 1379, as amended, O'Connell. Speech-language pathologists: endoscopies.

(1) Existing law, the Speech-Language Pathologists and Audiologists Licensure Act, authorizes the licensure, regulation and discipline of speech-language pathologists and audiologists by the Speech-Language Pathology and Audiology Board. Existing law defines the practice of speech-language pathology.

This bill would expand the definition of speech-language pathology by authorizing a speech-language pathologist *who meets specified criteria including having performed 25 flexible fiberoptic nasendoscopic procedures* to use a rigid or flexible endoscope in a health care setting to observe the pharynx and larynx areas of the throat in order to observe, collect data, and measure the parameters of communication and swallowing and to guide communication and swallowing assessment and therapy.

(2) *Existing law provides that a person who has a valid certificate of clinical competence in speech-language pathology or audiology meets the educational and experience requirements for licensure.*

This bill would require an applicant for licensure who has obtained any qualifications in violation of the act or who does not meet the

licensing qualifications to correct the deficiency in order to qualify for licensure. The bill would additionally provide that a deficient application is deemed abandoned if the deficiency is not corrected within one year from the date of the deficiency notice.

(3) Existing law requires the board to adopt regulations that set forth the standards for approval of Associate Degree Speech-Language Pathology Assistant training programs based on established standards and curriculum guidelines.

This bill would authorize the board to establish a site review committee to conduct onsite evaluations, inspections, and investigations of speech-language pathology assistant training programs and to assess the training program's compliance with the board's practice act. The bill would prohibit the review committee members from receiving compensation but would require the members to be reimbursed for travel and per diem expenses by the institution that is the subject of the evaluation, inspection, or investigation. The bill would revise other provisions of the act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2530.2 of the Business and Professions
- 2 Code is amended to read:
- 3 2530.2. As used in this chapter, unless the context otherwise
- 4 requires:
- 5 (a) "Board" means the Speech-Language Pathology and
- 6 Audiology Board or any successor.
- 7 (b) "Person" means any individual, partnership, corporation,
- 8 limited liability company, or other organization or combination
- 9 thereof, except that only individuals can be licensed under this
- 10 chapter.
- 11 (c) A "speech-language pathologist" is a person who practices
- 12 speech-language pathology.
- 13 (d) "The practice of speech-language pathology" includes: (1)
- 14 the application of principles, methods, instrumental procedures,
- 15 and noninstrumental procedures for measurement, testing,
- 16 screening, evaluation, identification, prediction, and counseling
- 17 related to the development and disorders of speech, voice,
- 18 language, or swallowing; (2) the application of principles and



1 methods for preventing, planning, directing, conducting, and
2 supervising programs for habilitating, rehabilitating,
3 ameliorating, managing, or modifying disorders of speech, voice,
4 language, or swallowing in individuals or groups of individuals;
5 and (3) conducting hearing screenings.

6 (e) Instrumental procedures referred to in subdivision (d)
7 include the use of rigid and flexible endoscopes to observe the
8 ~~pharynx and the larynx~~ *pharyngeal and laryngeal* areas of the
9 throat in order to observe, collect data, and measure the parameters
10 of communication and swallowing as well as to guide
11 communication and swallowing assessment and therapy.

12 ~~(f) The use of rigid and flexible endoscopes referred to in~~
13 ~~subdivisions (d) and (e) shall be limited to health care settings and~~
14 ~~conditions established by the board.~~

15 (f) *A licensed speech-language pathologist shall not perform a*
16 *flexible fiberoptic nasendoscopic procedure unless he or she has*
17 *received written verification from an otolaryngologist certified by*
18 *the American Academy of Otolaryngology-Head and Neck*
19 *Surgery that the speech-language pathologist has performed a*
20 *minimum of 25 flexible fiberoptic nasendoscopic procedures and*
21 *is competent to perform these procedures. The speech-language*
22 *pathologist shall have this written verification on file and readily*
23 *available for inspection upon request by the board.*

24 (g) *A licensed speech-language pathologist shall only perform*
25 *flexible endoscopic procedures described in subdivision (e) in*
26 *settings that assure patient safety as defined in regulations adopted*
27 *by the board.*

28 ~~(g)~~

29 (h) “Speech-language pathology aide” means any person
30 meeting the minimum requirements established by the board, who
31 works directly under the supervision of a speech-language
32 pathologist.

33 ~~(h)~~

34 (i) (1) “Speech-language pathology assistant” means a person
35 who meets the academic and supervised training requirements set
36 forth by the board and who is approved by the board to assist in the
37 provision of speech-language pathology under the direction and
38 supervision of a speech-language pathologist who shall be
39 responsible for the extent, kind, and quality of the services
40 provided by the speech-language pathology assistant.

(2) The supervising speech-language pathologist employed or contracted for by a public school may hold a valid and current license issued by the board, a valid, current, and professional clear clinical or rehabilitative services credential in language, speech, and hearing issued by the Commission on Teacher Credentialing, or other credential authorizing service in language, speech, and hearing issued by the Commission on Teacher Credentialing that is not issued on the basis of an emergency permit or waiver of requirements. For purposes of this paragraph, a “clear” credential is a credential that is not issued pursuant to a waiver or emergency permit and is as otherwise defined by the Commission on Teacher Credentialing. Nothing in this section referring to credentialed supervising speech-language pathologists expands existing exemptions from licensing pursuant to Section 2530.5.

~~(i)~~

(j) An “audiologist” is one who practices audiology.

~~(j)~~

(k) “The practice of audiology” means the application of principles, methods, and procedures of measurement, testing, appraisal, prediction, consultation, counseling, instruction related to auditory, vestibular, and related functions and the modification of communicative disorders involving speech, language, auditory behavior or other aberrant behavior resulting from auditory dysfunction; and the planning, directing, conducting, supervising, or participating in programs of identification of auditory disorders, hearing conservation, cerumen removal, aural habilitation, and rehabilitation, including, hearing aid recommendation and evaluation procedures including, but not limited to, specifying amplification requirements and evaluation of the results thereof, auditory training, and speech reading.

~~(k)~~

(l) “Audiology aide” means any person, meeting the minimum requirements established by the board, who works directly under the supervision of an audiologist.

~~(l)~~

(m) “Medical board” means the Medical Board of California or a division of the board.

~~(m)~~

(n) A “hearing screening” performed by a speech-language pathologist means a binary puretone screening at a preset intensity

level for the purpose of determining if the screened individuals are in need of further medical or audiological evaluation.

~~(n)~~

(o) “Cerumen removal” means the nonroutine removal of cerumen within the cartilaginous ear canal necessary for access in performance of audiological procedures that shall occur under physician and surgeon supervision. Cerumen removal, as provided by this section, shall only be performed by a licensed audiologist. Physician and surgeon supervision shall not be construed to require the physical presence of the physician, but shall include all of the following:

(1) Collaboration on the development of written standardized protocols. The protocols shall include a requirement that the supervised audiologist immediately refer to an appropriate physician any trauma, including skin tears, bleeding, or other pathology of the ear discovered in the process of cerumen removal as defined in this subdivision.

(2) Approval by the supervising physician of the written standardized protocol.

(3) The supervising physician shall be within the general vicinity, as provided by the physician-audiologist protocol, of the supervised audiologist and available by telephone contact at the time of cerumen removal.

(4) A licensed physician and surgeon may not simultaneously supervise more than two audiologists for purposes of cerumen removal.

SEC. 2. Section 2530.5 of the Business and Professions Code is amended to read:

2530.5. (a) Nothing in this chapter shall be construed as restricting hearing testing conducted by licensed physicians and surgeons or by persons conducting hearing tests under the direct supervision of a physician and surgeon.

(b) Nothing in this chapter shall be construed to prevent a licensed hearing aid dispenser from engaging in testing of hearing and other practices and procedures used solely for the fitting and selling of hearing aids nor does this chapter restrict persons practicing their licensed profession and operating within the scope of their licensed profession or employed by someone operating within the scope of their licensed professions, including persons

1 fitting and selling hearing aids who are properly licensed or
2 registered under the laws of the State of California.

3 (c) Nothing in this chapter shall be construed as restricting or
4 preventing the practice of speech-language pathology or
5 audiology by personnel holding the appropriate credential from
6 the Commission on Teacher Credentialing as long as the practice
7 is conducted within the confines of or under the jurisdiction of a
8 public preschool, elementary or secondary school by which they
9 are employed and those persons do not either offer to render or
10 render speech-language pathology or audiology services to the
11 public for compensation over and above the salary they receive
12 from the public preschool elementary or secondary school by
13 which they are employed for the performance of their official
14 duties.

15 (d) Nothing in this chapter shall be construed as restricting the
16 activities and services of a student or speech-language pathology
17 intern in speech-language pathology pursuing a course of study
18 leading to a degree in speech-language pathology at an accredited
19 or approved college or university or an approved clinical training
20 facility, provided that these activities and services constitute a part
21 of his or her supervised course of study and that those persons are
22 designated by the title as “speech-language pathology intern,”
23 “speech-language pathology trainee,” or other title clearly
24 indicating the training status appropriate to his or her level of
25 training.

26 (e) Nothing in this chapter shall be construed as restricting the
27 activities and services of a student or audiology intern in audiology
28 pursuing a course of study leading to a degree in audiology at an
29 accredited or approved college or university or an approved
30 clinical training facility, provided that these activities and services
31 constitute a part of his or her supervised course of study and that
32 those persons are designated by the title as “audiology intern,”
33 “audiology trainee,” or other title clearly indicating the training
34 status appropriate to his or her level of training.

35 (f) Nothing in this chapter shall be construed as restricting the
36 practice of an applicant who is obtaining the required professional
37 experience specified in subdivision (d) of Section 2532.2 and who
38 has been issued a temporary license pursuant to Section 2532.7.
39 The number of applicants who may be supervised by a licensed
40 speech-language pathologist or a speech-language pathologist



1 having qualifications deemed equivalent by the board shall be
 2 determined by the board. The supervising speech-language
 3 pathologist shall register with the board the name of each applicant
 4 working under his or her supervision, and shall submit to the board
 5 a description of the proposed professional responsibilities of the
 6 applicant working under his or her supervision. The number of
 7 applicants who may be supervised by a licensed audiologist or an
 8 audiologist having qualifications deemed equivalent by the board
 9 shall be determined by the board. The supervising audiologist shall
 10 register with the board the name of each applicant working under
 11 his or her supervision, and shall submit to the board a description
 12 of the proposed professional responsibilities of the applicant
 13 working under his or her supervision.

14 ~~The board shall not give any credit for any required professional~~
 15 ~~experience that is completed in violation of this section.~~

16 (g) Nothing in this chapter shall be construed as restricting
 17 hearing screening services in public or private elementary or
 18 secondary schools so long as these screening services are provided
 19 by persons registered as qualified school audiometrists pursuant to
 20 Sections 1685 and 1686 of the Health and Safety Code or hearing
 21 screening services supported by the State Department of Health
 22 Services so long as these screening services are provided by
 23 appropriately trained or qualified personnel.

24 (h) Persons employed as speech-language pathologists or
 25 audiologists by a federal agency shall be exempt from this chapter.

26 (i) Nothing in this chapter shall be construed as restricting
 27 consultation or the instructional or supervisory activities of a
 28 faculty member of an approved or accredited college or university
 29 for the first 60 days following appointment after the effective date
 30 of this subdivision.

31 *SEC. 3. Section 2532.2 of the Business and Professions Code*
 32 *is amended to read:*

33 2532.2. To be eligible for licensure by the board as a
 34 speech-language pathologist or audiologist, the applicant shall
 35 possess all of the following qualifications:

36 (a) Possess at least a master's degree in speech-language
 37 pathology or audiology from an educational institution approved
 38 by the board or qualifications deemed equivalent by the board.

39 (b) Submit transcripts from an educational institution approved
 40 by the board evidencing the successful completion of at least 60

1 semester units of courses related to the normal development,
2 function, and use of speech, hearing, and language; and courses
3 that provide information about, and training in, the management
4 of speech, hearing, and language disorders. At least 24 of the
5 required 60 semester units shall be related to disorders of speech,
6 voice, or language for speech-language pathology applicants or to
7 disorders of hearing and the modification of communication
8 disorders involving speech and language resulting from hearing
9 disorders for audiology applicants. These 60 units do not include
10 credit for thesis, dissertation, or clinical practice.

11 (c) Submit evidence of the satisfactory completion of
12 supervised clinical practice with individuals representative of a
13 wide spectrum of ages and communication disorders. The board
14 shall establish by regulation the required number of clock hours,
15 not to exceed 300 clock hours, of supervised clinical practice
16 necessary for the applicant.

17 The clinical practice shall be under the direction of an
18 educational institution approved by the board.

19 (d) Submit evidence of no less than 36 weeks of satisfactorily
20 completed supervised professional full-time experience or 72
21 weeks of professional part-time experience obtained under the
22 supervision of a licensed speech-language pathologist or
23 audiologist or a speech-language pathologist or audiologist having
24 qualifications deemed equivalent by the board. This experience
25 shall be evaluated and approved by the board. ~~Any experience to~~
26 ~~be obtained in a setting which is not exempt from the licensure~~
27 ~~requirements under Section 2530.5 shall be approved in advance~~
28 ~~by the board.~~ The required professional experience shall follow
29 completion of the requirements listed in subdivisions (a), (b), and
30 (c). Full time is defined as at least 36 weeks in a calendar year and
31 a minimum of 30 hours per week. Part time is defined as a
32 minimum of 72 weeks and a minimum of 15 hours per week.

33 (e) Pass an examination or examinations approved by the
34 board. The board shall determine the subject matter and scope of
35 the examinations and may waive the examination upon evidence
36 that the applicant has successfully completed an examination
37 approved by the board. Written examinations may be
38 supplemented by such oral examinations as the board shall
39 determine. An applicant who fails his or her examination may be



1 reexamined at a subsequent examination upon payment of the
2 reexamination fee required by this chapter.

3 A speech-language pathologist or audiologist who holds a
4 license from another state or territory of the United States or who
5 holds equivalent qualifications as determined by the board and
6 who has completed no less than one year of full-time continuous
7 employment as a speech-language pathologist or audiologist
8 within the past three years is exempt from the supervised
9 professional experience in subdivision (d).

10 *SEC. 4. Section 2532.7 of the Business and Professions Code*
11 *is amended to read:*

12 2532.7. (a) Upon approval of an application filed pursuant to
13 Section 2532.1, and upon payment of the fee prescribed by Section
14 2534.2, the board may issue a *required professional experience*
15 *(RPE)* temporary license for a period to be determined by the
16 board to an applicant who is obtaining the required professional
17 experience specified in subdivision (d) of Section 2532.2.

18 (b) ~~Effective July 1, 2003, no person shall obtain the required~~
19 ~~professional experience for licensure in either an exempt or~~
20 ~~nonexempt setting, as defined in Section 2530.5, unless he or she~~
21 ~~is licensed in accordance with this section.~~

22 (c) Any experience obtained in violation of this act shall not be
23 approved by the board.

24 (d) An RPE temporary license shall terminate upon notice
25 thereof by certified mail, return receipt requested, if it is issued by
26 mistake or if the application for permanent licensure is denied.

27 ~~(e)~~

28 (e) Upon written application, the board may reissue ~~a~~ *an RPE*
29 temporary license for a period to be determined by the board to an
30 applicant who is obtaining the required professional experience
31 specified in subdivision (d) of Section 2532.2.

32 *SEC. 5. Section 2532.8 of the Business and Professions Code*
33 *is amended to read:*

34 2532.8. (a) The board shall deem a person who holds a valid
35 certificate of clinical competence in speech-language pathology or
36 audiology issued by the ~~National~~ *American*
37 *Speech-Language-Hearing Association's Council* ~~—on~~
38 ~~Professional Standards in Speech Language Pathology and~~
39 ~~Audiology for Clinical Certification~~ to have met the educational

1 and experience requirements set forth for speech-language
2 pathologists or audiologists in Section 2532.2.

3 *(b) If an applicant qualifying for licensure under this section*
4 *has obtained any equivalent qualifications in violation of the laws*
5 *and regulations governing the practices of speech-language*
6 *pathology or audiology or has not met the requirements for*
7 *licensure, he or she shall correct the deficiency to qualify for*
8 *licensure. If the deficiency is not cured within one year from the*
9 *date of the deficiency notice, the application for licensure is*
10 *deemed abandoned.*

11 SEC. 6. Section 2538.1 of the Business and Professions Code
12 is amended to read:

13 2538.1. (a) The board shall adopt regulations, in
14 collaboration with the State Department of Education, the
15 Commission on Teacher Credentialing, and the Advisory
16 Commission on Special Education, that set forth standards and
17 requirements for the adequate supervision of speech-language
18 pathology assistants.

19 (b) The board shall adopt regulations as reasonably necessary
20 to carry out the purposes of this article, that shall include, but need
21 not be limited to, the following:

22 (1) Procedures and requirements for application, registration,
23 renewal, suspension, and revocation.

24 (2) Standards for approval of Associate Degree
25 Speech-Language Pathology Assistant training programs based
26 upon standards and curriculum guidelines established by the
27 National Council on Academic Accreditation in Audiology and
28 Speech-Language Pathology, or the American
29 Speech-Language-Hearing Association, or equivalent formal
30 training programs consisting of two years of technical education,
31 including supervised field placements. *The board may impanel site*
32 *review committees to conduct onsite evaluations, inspections, and*
33 *investigations of a speech-language pathology assistant training*
34 *program and to assess the training program's compliance with the*
35 *board's laws and regulations. The members of the site review*
36 *committee shall receive no compensation but shall be reimbursed*
37 *for their actual travel and per diem expenses by the institution that*
38 *is the subject of the evaluation, inspection, or investigation.*

39 (3) Standards for accreditation of a Speech-Language
40 Pathology Assistant training program's institution by the

1 Accrediting Commission for Community and Junior Colleges of
2 the Western Association of Schools and Colleges or the Senior
3 College Commission of the Western Association of Schools and
4 Colleges, or equivalent accreditation.

5 (4) The scope of responsibility, duties, and functions of
6 speech-language pathology assistants, that shall include, but not be
7 limited to, all of the following:

8 (A) Conducting speech-language screening, without
9 interpretation, and using screening protocols developed by the
10 supervising speech-language pathologist.

11 (B) Providing direct treatment assistance to patients or clients
12 under the supervision of a speech-language pathologist.

13 (C) Following and implementing documented treatment plans
14 or protocols developed by a supervising speech-language
15 pathologist.

16 (D) Documenting patient or client progress toward meeting
17 established objectives, and reporting the information to a
18 supervising speech-language pathologist.

19 (E) Assisting a speech-language pathologist during
20 assessments, including, but not limited to, assisting with formal
21 documentation, preparing materials, and performing clerical
22 duties for a supervising speech-language pathologist.

23 (F) When competent to do so, as determined by the supervising
24 speech-language pathologist, acting as an interpreter for
25 non-English-speaking patients or clients and their family
26 members.

27 (G) Scheduling activities and preparing charts, records,
28 graphs, and data.

29 (H) Performing checks and maintenance of equipment,
30 including, but not limited to, augmentative communication
31 devices.

32 (I) Assisting with speech-language pathology research
33 projects, in-service training, and family or community education.

34 The regulations shall provide that speech-language pathology
35 assistants are not authorized to conduct evaluations, interpret data,
36 alter treatment plans, or perform any task without the express
37 knowledge and approval of a supervising speech-language
38 pathologist.

39 (5) The requirements for the wearing of distinguishing name
40 badges with the title of speech-language pathology assistant.

- 1 (6) Minimum continuing professional development
2 requirements for the speech-language pathology assistant, not to
3 exceed 12 hours in a two-year period. The speech-language
4 pathology assistant's supervisor shall act as a professional
5 development advisor. The speech-language pathology assistant's
6 professional growth may be satisfied with successful completion
7 of state or regional conferences, workshops, formal in-service
8 presentations, independent study programs, or any combination of
9 these concerning communication and related disorders.
- 10 (7) Minimum continuing professional development
11 requirements for the supervisor of a speech-language pathology
12 assistant.
- 13 (8) The type and amount of direct and indirect supervision
14 required for speech-language pathology assistants.
- 15 (9) The maximum number of assistants permitted per
16 supervisor.
- 17 (10) A requirement that the supervising speech-language
18 pathologist shall remain responsible and accountable for clinical
19 judgments and decisions and the maintenance of the highest
20 quality and standards of practice when a speech-language
21 pathology assistant is utilized.

